



**MARIAS CROSSING FISHING ACCESS SITE
PROPOSED PERMIT FOR RECREATION SITE &
SITE DEVELOPMENT**



May 2021

**Marias Crossing Fishing Access Site
Proposed permit for recreation site and site development
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife & Parks (FWP) proposes to accept terms of a permit for recreation site with Montana Department of Transportation (MDT) and develop approximately one acre of land owned in fee title by the State of Montana, MDT along the Marias River for the purpose of providing public access to the Marias River and developing a fishing access site (FAS). FWP has received a draft copy of the Recreational Use Permit from MDT for the use of the property for recreational purposes. Proposed developments at the site include a single-wide gravel boat ramp, designated gravel parking area, gravel access road, boundary fencing, and informational signs. The site would provide an important, safe access point on the Marias River for boaters and floaters.

2. Agency authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs Montana Fish Wildlife and Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of project:

Marias Crossing Fishing Access Site Proposed permit for recreation site and site development

4. Project sponsor:

Montana Fish, Wildlife and Parks, Region 4
4600 Giant Springs Road
Great Falls, MT 59405
(406) 454-5840

5. Anticipated Schedule:

Estimated Public Comment Period: May 6, 2021 through June 6, 2021
Estimated Decision Notice: July 2021
Commission Approval Requested to Proceed: August 2021

Estimated Commencement Date: Spring 2022
Estimated Completion Date: Fall 2022
Current Status of Project Design (% complete): 35%

6. Location:

The proposed Marias Crossing Fishing Access Site is located on the Marias River approximately 17 miles south of Chester and 33 miles north of Fort Benton, Montana on County Road 223 in Liberty County, NE1/4 Section 24, Township 29 North, Range 6 East (Figures 1 and 2).

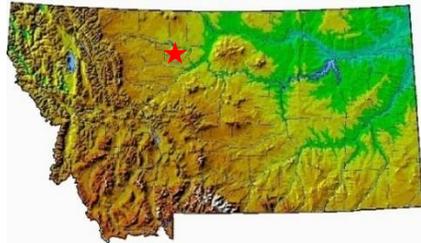


Figure 1. General Location of Marias Crossing FAS

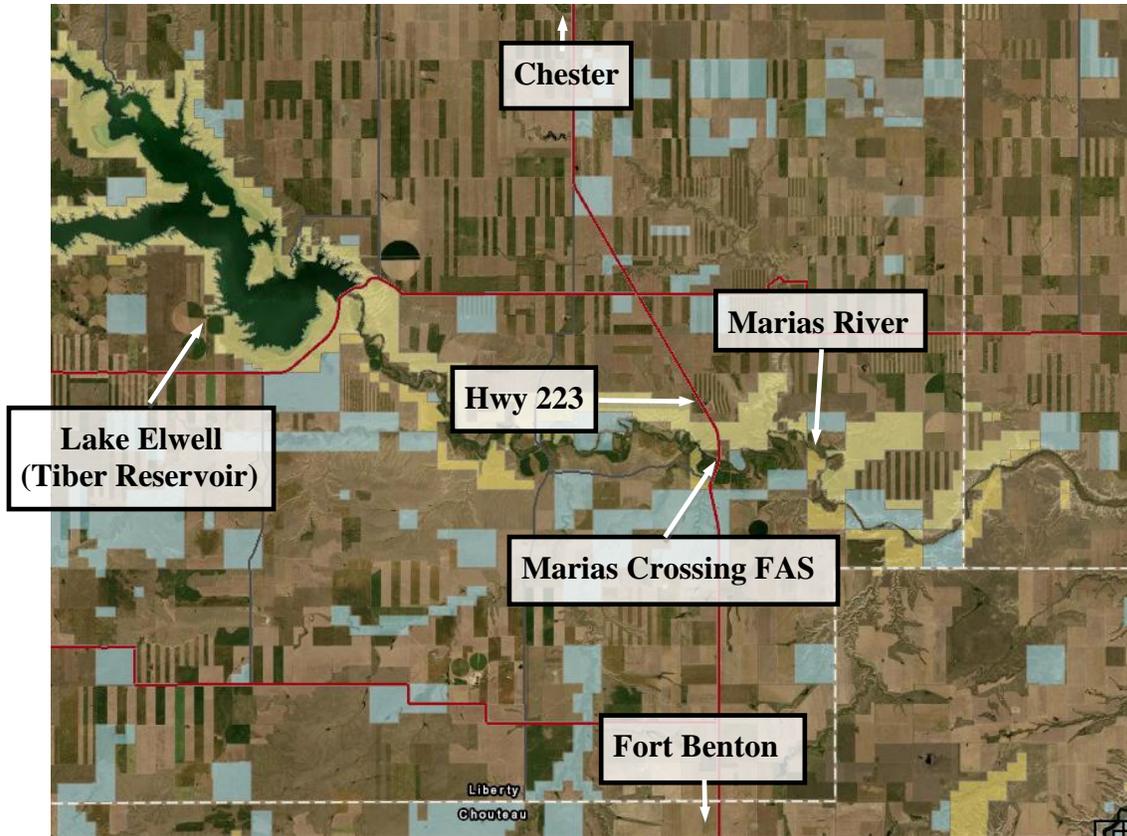


Figure 2. Area Location of Marias Crossing FAS



Figure 3. Proposed Marias Crossing FAS Parcel Map, Aerial View

7. Project size -- estimate the number of acres that would be directly affected that are currently:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u> 1</u>
Residential	<u> 0</u>		
Industrial	<u> 0</u>	(e) Productive:	
(b) Open Space/ Woodlands/Recreation	<u> 0</u>	Irrigated cropland	<u> 0</u>
(c) Wetlands/Riparian Areas	<u> 0</u>	Dry cropland	<u> 0</u>
		Forestry	<u> 0</u>
		Rangeland	<u> 0</u>
		Other	<u> 0</u>



Photo 1. View of existing pioneered boat ramp at Marias Crossing FAS showing the proximity to Highway 223 Bridge pilings.



Photo 2. A view of the existing gravel access road and parking area.

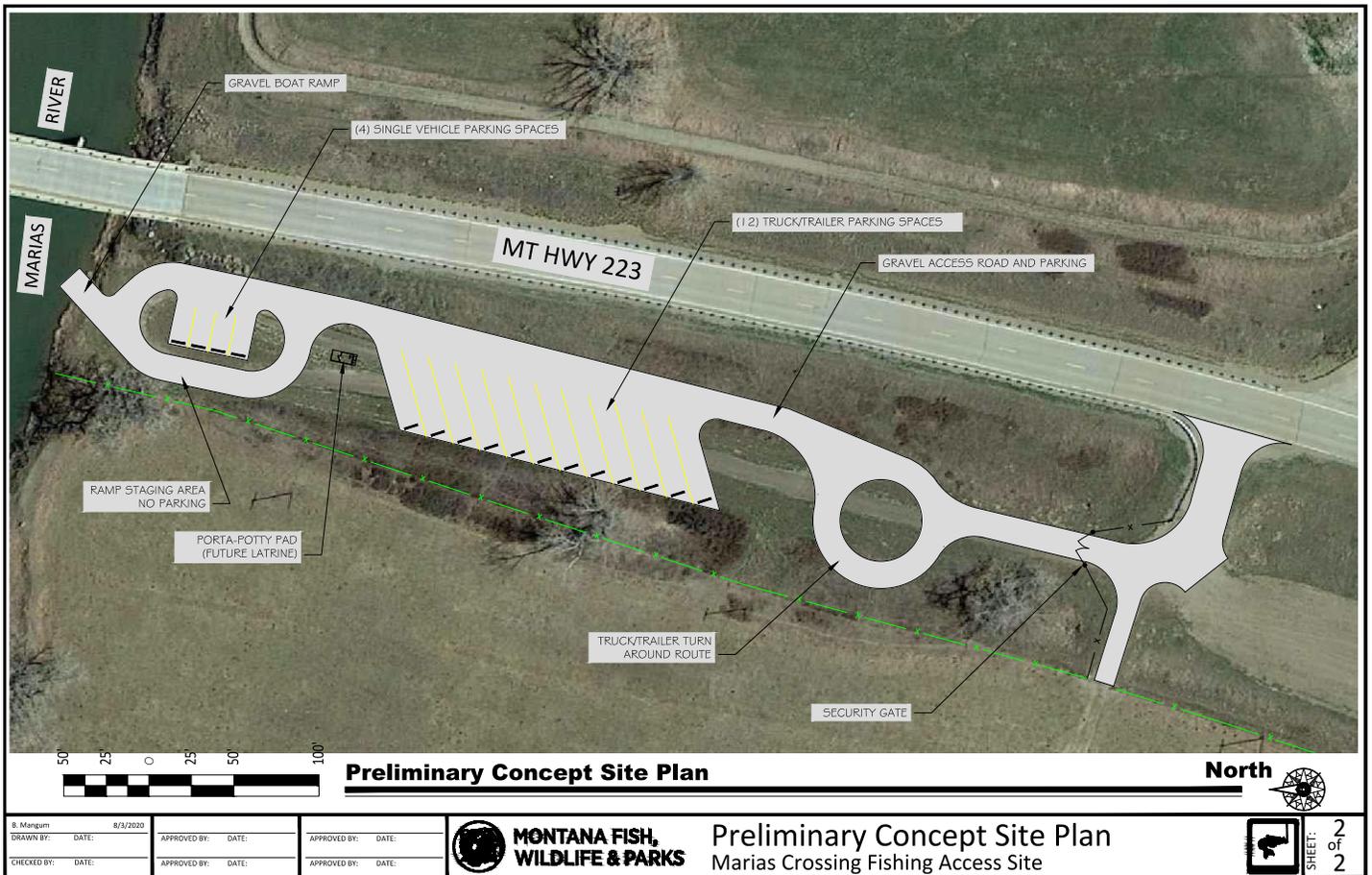


Figure 4. Marias Crossing FAS Preliminary Concept Site Plan

8. Permits, Funding & Overlapping Jurisdiction.

(a) Permits: Required permits would be obtained prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Liberty County	Floodplain Permit and Sanitation Permit
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks	124 Montana Stream Protection Act
US Army Corps of Engineers	404 Federal Clean Water Act

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
Montana Fish, Wildlife & Parks FAS Site Protection Funding	\$ 102,345

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
Natural Heritage Program	Species of Concern (<i>Appendix B</i>)
State Historic Preservation Office	Cultural Clearance
Liberty County Weed District	Weed Management Coordination

9. Narrative summary of the proposed action:

The historic Marias River begins in Glacier County, Montana at the confluence of the Two Medicine River and Cut Bank Creek where it generally flows southeast, through the impounded Lake Elwell, and continues for a total of 210 miles before entering the Missouri River at Loma. Today the river below Lake Elwell is important for recreational use and is heavily used for floating, fishing, hunting, and wildlife viewing.

The Marias Crossing FAS is located on the Marias River 57 miles upstream from its mouth at the confluence with the Missouri River, approximately 153 miles downstream of its headwaters at the confluence of the Two Medicine River and Cut Bank Creek. The Marias River is popular for both fishing and floating. It is open to angling year-round along its entire length. According to surveys by FWP, the average angler days per year from 2009 to 2015 on the 57-mile stretch from the mouth to Highway 223 Bridge (river mile 57) was 4,778. The regional ranking for this stretch of river averaged the 23rd most fished body of water, and the state ranking for this stretch of river averaged the 126th most fished body of water in Montana during this same period out of more than 1,400 stream reaches, lakes, and reservoirs in Montana surveyed annually by FWP. There are three river access sites managed by the Bureau of Land Management (BLM), all located upstream of the Highway 223 Bridge: Pugsley Bridge Recreation Area, Moffat Bridge Recreation Area, and Sullivan Bridge launch site. The proposed Marias Crossing FAS would be the second FWP-managed FAS on the 210-mile Marias River and would be an important and strategic location for launching and taking-out boats and rafts.

The proposed Marias Crossing FAS is located on land owned by MDT adjacent to the Highway 223 Bridge over the Marias River. Facilities currently found on the site include a primitive access road, turn-around area, undeveloped parking area, and undeveloped site for hand-launching boats. Even though it is a popular site for launching boats and rafts for floating and fishing, there are no boat launches managed by either FWP or BLM in the 78-mile stretch from the BLM Pugsley Bridge Recreation Area near Tiber Dam and the mouth of the Marias River near Loma. Launching and retrieving boats at undeveloped site and existing steep, launch site into shallow waters requires caution. Additionally, when launching, extra caution is needed navigating downstream because of the nearby bridge pilings. The proposed boat ramp would be designed to make boat and raft launching safer and easier. In addition, during peak times, the undeveloped parking area is inadequate and require parking along Highway 223, creating a safety hazard. Developing a designated parking area would increase parking capacity and minimize the need to park along Highway 223.

FWP proposes to accept an MDT permit for a recreation site and develop approximately one acre of land that is owned by MDT along the Marias River for the purpose of providing public access to the Marias River and developing an FAS. FWP has received a draft copy of the Recreational Use Permit from MDT for the use of the property for recreational purposes. Proposed developments include a single-wide gravel boat ramp, designated gravel parking area, gravel access road, boundary fencing, informational signs and a port-a-potty or future installation of a permanent outhouse. The site would provide an important, safe access point on the Marias River for all water based recreational users.

The new recreational developments would be managed under existing FWP public use regulations. FWP management responsibilities would include routine maintenance and development of FAS site policies. Protection of the natural resources, the health and safety

of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS would be for day use only and overnight camping would not be allowed on the site. Development of Marias Crossing FAS would provide public access to the Marias River for fishing, boating, and floating and provide multiple additional recreational opportunities.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action.

If no action was taken, and the 1-acre parcel of MDT land along the Marias River at the Highway 223 Bridge was not developed and managed as an FAS, anglers, floaters and boaters would continue to launch and take-out boats and rafts at the pioneered boat launch and park along the pioneered access road. The pioneered boat launch and parking area would continue to impact the vegetation and riparian area via tramping and unregulated vehicle travel. The undeveloped, unestablished parking would continue to minimize capacity of the site and pose continued traffic safety issues. Public access for recreational opportunities for boating, fishing, floating, and wildlife viewing along the Marias River would continue to be limited.

Alternative B: Proposed Action.

FWP proposes to accept an MDT permit for recreation site and develop approximately one acre of land owned in fee title by MDT along the Marias River for the purpose of providing public access to the Marias River and developing an FAS. Proposed developments include a single-wide gravel boat ramp, designated gravel parking area, gravel access road, boundary fencing, informational signs and either a port-a-potty through a contracted provider or installation of a permanent latrine. The site would provide an important, safe access point on the Marias River for boaters and floaters.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would employ Best Management Practices (BMP) (*Appendix D*), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the Proposed Action. All county, state and federal permits listed in Part I 8(a) above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

- 1a. The Proposed Action would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability. Soil and geologic substructure would remain stable during and after the proposed work.
- 1b. During construction, some minor modifications to the existing soil features would be required for construction of the gravel parking area, access road, and boat ramp. Disturbed areas would be seeded with a native seed mix to minimize erosion and sediment delivery to the Marias River and the spread of noxious weeds. The property is currently not in agricultural production. The Proposed Action would not affect soil productivity or fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion (*Appendix D*).
- 1c. No unique geologic or physical features would be altered by the Proposed Action.
- 1d. The proposed project would have temporary and minor adverse impacts on the bank of the Marias River. Minor amounts of sediment may enter the river during construction of the parking area, access road, and boat ramp. Upon completion, erosion and sedimentation to the river would be improved.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?		X				2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				2e.

- 2a. Dust may be temporarily generated during construction of the parking area, access road, and boat ramp. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See *Appendix D* for the BMP. Diesel equipment would be used to implement the Proposed Action. There would be a temporary increase in diesel exhaust. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. The impacts would be short term and minor.
- 2b. The latrine or porta toilet on site would be regularly maintained to minimize objectionable odors.
- 2e. The proposed project would have no impact on air quality in the vicinity of Marias Crossing FAS and would not result in any discharge that could conflict with federal or state air quality regulations.

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)			X		Yes	3l.
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)			X		Yes	3m.

- 3a. Construction of the proposed developments may cause a temporary, localized increase in turbidity in the Marias River. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. FWP BMPs would be followed during all construction (*Appendix D*).
- 3b. Construction of a designated parking area, access road, and boat ramp may alter surface runoff. The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP would be followed (*Appendix D*).
- 3d. There may be a minor, temporary increase of runoff during construction. FWP BMP would be followed (*Appendix D*).
- 3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and a temporary increase in sediment delivery to the river. FWP

BMPs would be followed during all phases of construction to minimize these risks (*Appendix D*).

- 3l. According to the Liberty County Floodplain Administrator, even though the floodplain mapping on the project site has not been completed, it is likely that at least a portion of the project site would be located within the floodway of the Marias River and another portion would likely be located within the 100-year floodplain, with a 1% annual chance of a flood hazard. The town of Chester (Federal Emergency Management Agency (FEMA) Map # 300041B; effective date June 1, 1986) is the closest area to the project site with current and complete floodplain mapping. Permits from FWP, Montana Department of Environmental Quality (DEQ), and Liberty County would be obtained to ensure the proposed project will follow federal, state, and county floodplain and water quality regulations.
- 3m. All impacts to water quality resulting from construction would be temporary.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes	4a.
b. Alteration of a plant community?		X				4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f.
g. Other:						

- 4a. The Proposed Action would have minor impacts on the plant communities and diversity of the plant communities along the Marias River. Disturbed areas would be reseeded wherever possible to reduce erosion and weed establishment and to encourage the growth of native riparian plants. The access road and parking area would be constructed on sites disturbed by pioneered recreational use for many years. Development of the access road, parking area, and boat ramp would have a minor impact on the vegetation and a minimal number of trees and shrubs would be removed during construction. Because the construction area is small, impacts from construction would be minor.
- 4b. The Proposed Action would not alter the composition of plant communities at the site. The primary ecological systems found on Marias Crossing FAS are **Great Plains Floodplain, and Introduced Upland Vegetation- Annual and Biennial Forbland**, as defined by the Montana Natural Heritage Program (MNHP). Vegetation of the site is dominated by black cottonwood and plains cottonwood with a variety of native shrubs and

introduced grasses. Common native plant species found on the proposed project site include black cottonwood, plains cottonwood, red-osier dogwood, western snowberry, Wood's rose, chokecherry, silver sagebrush, and milkweed.

Common introduced species found on the property include smooth brome, Kentucky bluegrass, crested wheatgrass, cheatgrass, and mustard. Weed species found throughout the site include spotted knapweed, classified as a Noxious Weed by the Montana Department of Agriculture, and cheatgrass, classified as a Regulated Species. The site is also adjacent to grain fields, providing habitat for geese and other waterfowl.

- 4c. A search of the MNHP Species of Concern database found that Schribner's ragwort, a Montana plant Species of Concern, was observed within two miles of Marias Crossing FAS. The U.S. Fish and Wildlife Service (USFWS) listed Whitebark pine is listed as a Proposed species (P), defined as any species that is proposed in the Federal Register to be listed as Threatened or Endangered. The Proposed permit and development of the Marias Crossing FAS would have no impact on these species because the site does not provide preferred habitat for these species.
- 4d. Livestock grazing is not allowed on the property and no portion of the property is under agricultural production.
- 4e. Spotted knapweed and invasive cheatgrass are found along the Marias River and throughout the property. In conjunction with the Liberty County Weed Department, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property. Weed management would also include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking areas and access roads, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas to minimize the spread of noxious weeds. Weed control costs for Marias Crossing FAS in 2021 would be approximately \$500, which includes spraying by both FWP and Liberty County Weed District.
- 4f. According to a search of the Natural Resource Conservation Service (NRCS) Web Soil Survey on February 3, 2021, all of the proposed Marias Crossing FAS is classified as **Prime Farmland if Irrigated**. The site is not currently under agricultural production, though the field adjacent to the proposed FAS is currently farmed for grain production.

A search of the MNHP Wetland and Riparian Mapping Program on February 2, 2021 and a site visit by a natural resource professional found that no wetland plant community is located on the project site. Approximately ¼ acre of the project site located along the riverbank is classified as Riparian Lotic Forest. Because the site has been previously disturbed by heavy public recreational use and is adjacent to Highway 223 and the Highway 223 Bridge, development of the proposed FAS would have minor or no impacts on the riparian vegetation found along the Marias River.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h.
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				5i.

5a. The proposed developments are designed to minimize impacts to wildlife habitat. A minimal number of trees and shrubs would be removed for construction of the parking area, access road, and boat ramp and efforts would be made to preserve all large healthy trees and snags where possible. Construction would likely take place at a time to avoid disturbance to nesting birds. However, this stretch of the Marias River is not considered critical habitat for any fish or wildlife species.

5b/5c The proposed project would have no impact on the diversity or abundance of game or non-game wildlife species. Wildlife species whose habitat distribution overlaps the proposed Marias Crossing FAS include white-tailed and mule deer, moose, porcupine, beaver, muskrat, northern river otter, bald eagle, golden eagle, osprey, American white pelican, sandhill crane, ring-necked pheasants, Canada goose, and great blue heron. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including a variety of raptors, waterfowl, and songbirds.

According to Luke Holmquist, FWP Region 4 Fisheries Biologist, and a review of Montana Fisheries Information System (MFISH) database, common game fish found in the Marias River in the vicinity of Marias Crossing FAS include brown trout, rainbow trout, mountain whitefish, walleye, and channel catfish. In addition, spring spawning migrations up the Marias River are made by several long-lived native species including blue sucker, pallid sturgeon, shovelnose sturgeon, smallmouth buffalo, and bigmouth buffalo, although the upstream extent of these migrations may not always reach the Marias Crossing FAS. Sauger, smallmouth bass, and northern pike have also been observed in this reach at low

densities. Paddlefish have been documented as far upstream as Tiber Dam, but only on the rarest of occasions. Non-game species found in this reach include goldeye, longnose sucker, shorthead redhorse, white sucker, rocky mountain sculpin, and common carp. Due to its small scale, the proposed project is unlikely to impact the fishery or aquatic habitat of the Marias River.

- 5f. A search of the MNHP element occurrence database (<http://nris.mt.gov>) indicates species occurrences of grizzly bear (listed as **PS:LT;XN** by the USFWS) and bald eagle (listed as **DM** by USFWS) within one mile of the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The search indicated that blue sucker, sauger, paddlefish, golden eagle, great blue heron, Brewer's sparrow, loggerhead shrike, and chestnut-collared longspur, Montana animal Species of Concern, have been observed in or near the proposed project site.

According to Ryan Rauscher, FWP Region 4 Wildlife Biologist, the proposed project is unlikely to impact bald eagle. The nearest bald eagle nest is 2.6 miles from the proposed FAS, which is outside the recommended 0.5-mile distance in the Montana Bald Eagle Management Plan, indicating the proposed project would have no effect on nesting bald eagles. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). In addition, the proposed project is unlikely to impact bald eagles as this species is accustomed to some level of long-term disturbance in the area, including Highway 223; nearby agricultural activities; and pioneered recreational use of the site. The proposed project is also unlikely to impact golden eagle, great blue heron, veery, long-billed curlew, Clark's nutcracker, and hoary bat because the proposed FAS is small and the species have likely become adjusted to long-term disturbance to the site.

The USFWS designated two animal species and one plant species as needing or potentially needing additional habitat protection in Liberty County. Grizzly bear and red knot have been listed as Threatened (LT) by the USFWS, defined as species that are likely to become an endangered species within the foreseeable future throughout all or a significant portion of their range. Whitebark pine is listed as a Proposed species (P), defined as any species that is proposed in the Federal Register to be listed as Threatened or Endangered. The Proposed permit and development of the Marias Crossing FAS would have no impact on whitebark pine because the site does not provide preferred habitat for this plant. It is unlikely that the proposed project would impact red knot since the site doesn't provide nesting habitat and red knot would be unlikely to use the site as a stopover during migration. According to Wesley Sarmiento, FWP Grizzly Bear Management Specialist, grizzly bears occasionally use the Marias River as a migration corridor. Even though it is unlikely that the proposed project would impact grizzly bears, the presence of grizzly bears on the site could present a safety hazard to visitors. A sign outlining pertinent information and safety guidelines would be installed at the proposed FAS to minimize conflicts between grizzly bears and visitors.

According to Ty Smucker, FWP Wolf Biologist, Marias Crossing FAS is within the habitat of the gray wolf. Currently there are no packs with a home range that overlaps the project area. While it is possible for wolves to travel through the project area, none have been recently sighted in the immediate area. The wolf population in Montana is strong and wolves may pass through just about any area including this site. FWP has no concerns with this project impacting gray wolves.

- 5h. No species listed as Threatened or Endangered, as defined by the USFWS, has been observed near the proposed project area (*Appendix B- Native Species Report*).
- 5i. No wildlife species would be imported or exported to the area as a result of the proposed development. This project only involves the development of the Marias Crossing FAS and will not promote the introduction or spread of invasive species.

Invasive zebra mussel larvae were detected for the first time in Montana in October 2016 in Tiber Reservoir and “suspect” detections turned up in Canyon Ferry Reservoir, the Missouri River below Toston Dam, and the Milk River. The discovery triggered a natural resource emergency in Montana and led to several recommended strategies to manage the threat of invasive mussels spreading to other areas both within the state and neighboring states and provinces. According to Jessie Gudgel, FWP Aquatic Invasive Species (AIS) Specialist, there have not been any more mussel detections since the initial detection at Tiber Reservoir. It is possible for boats launched from the proposed FAS to spread invasive mussels. However, since mussel detections have not been duplicated in Tiber Reservoir and protocols are established for minimizing incidental transport of AIS the risk of the spread of invasive mussels from this site would be minimal at this time. A sign alerting visitor to the risk of AIS and outlining the guidelines for cleaning boats would be installed.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		Yes	6a.
b. Exposure of people to serve or nuisance noise levels?			X		Yes	6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

- 6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.
- 6b. Marias Crossing FAS is located adjacent to Highway 223 and the Highway 223 Bridge and near other residential and agricultural developments. The closest residence is located across the river from the proposed FAS and another 4 or more residences, ranches, and commercial developments are located within 1 mile. Because the site is disturbed by Highway 223 and nearby agriculture and residential developments, the proposed construction would have no additional impact on noise in the vicinity of the proposed Marias Crossing FAS. The minor and temporary increase of noise levels during construction may be heard by nearby neighbors and visitors, though this is an area already impacted by noise from traffic and seasonal farm equipment. FWP would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

- 7a. Land use would not change in the vicinity of the Marias Crossing FAS so the proposed project would have no impact on the productivity or profitability of the FAS.

- 7d. The residences near the Proposed Action are already disturbed by Highway 223, heavy recreational use and agricultural activities so the proposed project would have no additional adverse effect on nearby residences.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Yes Positive	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Yes	8d.

- 8a. Physical disturbance of the soil during construction could encourage the establishment of additional noxious weeds on the site. In conjunction with the Liberty County Weed District, FWP would implement an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidentally being released into the flood plain during construction. Contractors would have absorbent materials on site to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow FWP BMP during all phases of construction to minimize risks (*Appendix D*).

- 8c. The proposed project would improve public safety by providing a safe and adequate boat launching and parking location.
- 8d. The use of herbicides to control noxious weeds could result in temporary water contamination from an inadvertent spill. The use of herbicides would be in compliance with application guidelines, outlined in the FWP Statewide Integrated Noxious Weed Management Plan, to minimize this risk and would be applied by people trained in safe handling techniques.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				9c.
d. Changes in industrial or commercial activity?			X			9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				9e.

- 9c. The proposed project would improve recreation in the area by providing safe access to the Marias River and improving river access and parking facilities for boat launching. This would benefit retail and service businesses in Chester and Fort Benton (*Appendix C - Tourism Report*).
- 9d. Commercial use activity would not be anticipated to change as a result of the proposed FAS development however all commercial use on the FAS would require a commercial use permit. The commercial use permit is required for all commercial use of FWP FAS's.
- 9e. The Proposed site and site developments would improve boaters, floaters, and anglers access to this stretch of the Marias River. Since it is likely that the proposed project would increase recreational use of the site, there could be a small increase in traffic on Highway 223. Otherwise, the Proposed Action would have little or no impact on traffic on Highway 223 and any impacts to traffic would be minor and concentrated on weekends during the peak season. The Proposed Action also would not alter the distribution of population in the area.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

- 10a. The Proposed permit and development of the Marias Crossing FAS would have no impact on public services or utilities. FWP would maintain the proposed developments and patrol the site.
- 10b. The Proposed Action would have no effect on the local and state tax base and revenue because FWP would continue to pay taxes on the property.
- 10e. No revenue would be generated at the FAS.
- 10f. Projected annual operating, maintenance, weed control, and personnel expense for fiscal year 2021 would be approximately \$500, depending upon the final development plans.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				11d.

11a/b. The Proposed Action would have no impact on the aesthetic values of the area.

11c. The Proposed Action would improve recreational use of the area by improving river access and parking facilities on the site. This could benefit local retail and service businesses (*Appendix C - Tourism Report*).

11d. No designated wild or scenic rivers, trails, or wilderness areas would be impacted by the Proposed permit and developments.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d.

12a/d. FWP will work with MDT to consult with the State Historic Preservation Office (SHPO). If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				13f.
g. For P-R/D-J, list any federal or state permits required.		X				13g.

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Marias River.

- 13f. The proposed project is designed to improve recreational facilities on the site and is not expected to generate organized opposition or substantial public controversy.
- 13g. The U.S. Army Corps of Engineer 404 Federal Clean Water Act is the only federal permit required for the Proposed permit and development. The Montana DEQ 318 Short Term Water Quality Standard for Turbidity and the FWP 124 Montana Stream Protection Act are the only state permits required for the proposed development. In addition, a Liberty County Floodplain permit would also be required.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term, and the developments would

benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Marias River.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for river access.

The Proposed Action would not impact the local wildlife species that frequent the property, and this stretch of the Marias River is not considered critical habitat for any fish or wildlife species. The project would be designed to avoid conditions that stress wildlife populations.

Though grizzly bear (listed as **PS:LT;XN** by the USFWS), bald eagle (listed as DM by the USFWS), blue sucker, sauger, paddlefish, great blue heron, golden eagle, Brewer's sparrow, loggerhead shrike, and chestnut-collared longspur, listed as Montana animal Species of Concern, have been observed in the vicinity of the proposed project site, the proposed project is unlikely to impact these species. Nests of these bird species have not been observed in the vicinity of the FAS and construction would likely commence in Fall 2021, well after critical nesting periods. In addition, the proposed project area is small, and these species are likely accustomed to disturbance from Highway 223, agriculture, residential, and recreational use in the area for years. The Proposed Action is unlikely to disturb the grizzly bears that occasionally frequent the Marias River, though signs would be installed at the site to alert visitors of the possible presence of grizzly bears and the appropriate measures to take to avoid human-bear conflicts. Signs would also be installed to alert visitors to the dangers of AIS and guidelines to avoid the inadvertent spread of aquatic invasive species. While it is possible for wolves to travel through the project area, none have been sighted and there is no pack located in the area, so it is unlikely that the Proposed Action would impact gray wolves.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix to reduce the establishment of weeds. In conjunction with Liberty County Weed Control District, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.

The Proposed permit for recreation site and site development of Marias Crossing FAS would provide safe and convenient river access for fishing, boating, and floating in addition to improving recreational opportunities for wildlife viewing. The proposed project would provide additional recreational opportunities of the popular Marias River.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on the Marias Crossing FAS Proposed permit for recreation site and site development Project, the Proposed Action and alternatives:

- Two public notices in each of these papers: *The River Press, Fort Benton, MT; the Great Falls Tribune; and the Helena Independent Record.*
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the FWP Region 4 Headquarters in Great Falls and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 4 issues.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated. If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., June 6, 2021. Comments can be submitted electronically via email to fwpr4publiccom@mt.gov or can be mailed to the address below:

Marias Crossing FAS Proposed Permit and Development Project
Montana Fish, Wildlife and Parks, Region 4
4600 Giant Springs Road
Great Falls, MT 59405

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the Proposed Action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value effected, any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the Proposed Actions, an EA is the appropriate level of review and an EIS is not required.

2. Person(s) responsible for preparing the EA:

Vicki Robinson
Region 4 FAS Manager
4600 Giant Springs Road
Great Falls, MT 59405
vrobinson@mt.gov
(406) 454-5854

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

3. List of agencies or offices consulted during preparation of the EA:

Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
 Design and Construction
 Lands Unit
 Legal Unit
 Fisheries Division
 Wildlife Division
Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana State Historic Preservation Office

APPENDICES

- A. MCA 23-1-110 Qualification Checklist
- B. Environmental Summary Report - Montana Natural Heritage Program
- C. Tourism Report – Department of Commerce
- D. Montana Fish, Wildlife and Parks Best Management Practices

APPENDIX A

HB495 PROJECT QUALIFICATION CHECKLIST

Date: January 18, 2021

Person Reviewing: Andrea Darling

Project Location: The proposed Marias Crossing Fishing Access Site is located on the Marias River Approximately 17 miles south of Chester and 33 miles north of Fort Benton, Montana on County Road 223 in Liberty County, NE1/4 Section 24, Township 29 North, Range 6 East (Figures 1 and 2).

Description of Proposed Work: Montana Fish, Wildlife & Parks (FWP) proposes to accept permit for recreation site and develop approximately one acre of land owned in fee title by Montana Department of Transportation (MDT) along the Marias River for the purpose of providing public access to the Marias River and developing a fishing access site (FAS). FWP has already obtained a Recreational Use Permit from MDT for the use of the property for recreational purposes. Proposed developments include a single-wide gravel boat ramp, designated gravel parking area, gravel access road, boundary fencing, and informational signs.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

- A. New roadway or trail built over undisturbed land?**
Comments: A new access road would be built over previously disturbed land.
- B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No new construction.
- C. Any excavation of 20 c.y. or greater?**
Comments: Yes, for the access road and parking area.
- D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: The parking area will increase capacity by more than 25%.
- E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No shoreline alteration that exceeds a single-wide boat ramp.
- F. Any new construction into lakes, reservoirs, or streams?**
Comments: Yes, a single-wide boat ramp would be built along the river bank.
- G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: SHPO would be contacted prior to commencement of construction.
- H. Any new above ground utility lines?**
Comments: No new utility lines.
- I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No new campsites.
- J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?**
Comments: No, the site is a pioneered FAS so the Proposed Action would not change the use pattern of the site.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

ENVIRONMENTAL SUMMARY REPORT

MONTANA NATURAL HERITAGE PROGRAM

Montana Species of Concern in the Vicinity of Marias Crossing Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates species occurrences of grizzly bear (listed as **PS:LT;XN** by the USFWS) and bald eagle (listed as **DM** by USFWS) within one mile of the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The search indicated that blue sucker, sauger, paddlefish, golden eagle, great blue heron, Brewer's sparrow, loggerhead shrike, and chestnut-collared longspur, Montana animal Species of Concern, have been observed in or near the Proposed Action site. Schribner's ragwort, a Montana plant Species of Concern, has been observed within 2 miles of the Proposed Action site. More information on these species is included below.

Montana Species of Concern. The term “**Species of Concern**” includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific Pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

CH. Critical Habitat- Areas within the species' range that are (I) essential to conserve the species and (II) that may require special management considerations or protection.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

PS. Partial Status- Status in only a portion of the species range.

XN. Experimental, Non-essential Population- An experimental population of a listed species reintroduced into a specific area that receives more flexible management under the Act.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	Definition
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

**MONTANA PLANT AND ANIMAL SPECIES OF CONCERN
IN THE VICINITY OF
MARIAS CROSSING FISHING ACCESS SITE**

1. Cycleptus elongatus (Blue Sucker)

Vertebrate animal- Fish

Natural Heritage Ranks

State: **S2S3**

Global: **G3G4**

Habitat -Large prairie rivers

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN2-3**

Element Occurrence data was reported of blue sucker within the project area.

2. Sander canadensis (Sauger)

Vertebrate animal- Fish

Natural Heritage Ranks

State: **S2**

Global: **G5**

Habitat -Large prairie rivers

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of sauger within the one mile of the project area.

3. Polyodon spathula (Paddlefish)

Montana Special Status Species

Vertebrate animal- Fish

Natural Heritage Ranks

State: **S2**

Global: **G4**

Habitat -Large prairie rivers

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of paddlefish within one mile of the project area.

4. Aquila chrysaetos (Golden Eagle)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat -Grasslands

Federal Agency Status:

U.S. Fish and Wildlife Service: **BGEPA; MBTA;**

BCC17

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of golden eagle within one mile of the project area. two golden eagle nests have been observed within .75 miles of the project site.

5. *Haliaeetus leucocephalus* (Bald Eagle)

Montana Special Status Species

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S4**

Global: **G5**

Habitat -Riparian Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC10; BCC11, BCC17**

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP:

Element Occurrence data was reported of bald eagle within one mile of the project area. two golden eagle nests have been observed within .75 miles of the project site.

6. *Ardea herodias* (Great Blue Heron)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat -Riparian Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of great blue heron within the project area.

7. *Spizella breweri* (Brewer's Sparrow)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3B**

Global: **G5**

Habitat- Sagebrush

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA; BCC10; BCC17**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of Brewer's sparrow within 1 mile of the project area.

8. *Lanius ludovicianus* (Loggerhead Shrike)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3B**

Global: **G4**

Habitat- Shrublands

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA; BCC10; BCC17**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of loggerhead shrike within 1 mile of the project area.

9. *Calcarius ornatus* (Chestnut-collared Longspur)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S2B**

Habitat- Grasslands

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA; BCC11; BCC17**

Global: **G5**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of chestnut-collared longspur within 1 mile of the project area.

10. Ursus arctos (Grizzly Bear)

Vertebrate animal- Mammal

Natural Heritage Ranks

State: **S2S3**

Global: **G4**

Habitat-Conifer Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **PS: LT; XN**

U.S. Forest Service: **Threatened on Forests (BD, CG, HLC, KOOT, LOLO)**

U.S. Bureau of Land Management: **Threatened**

FWP SWAP: **SGCN2-3**

Element Occurrence data was reported of grizzly bear within 2 miles of the project area.

11. Senecio integerrimus var. scribneri (Scribner's ragwort)

Vascular plant

Natural Heritage Ranks

State: **S2S3**

Global: **G5T2T3**

Habitat-

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP:

Element Occurrence data was reported of Scribner's ragwort within 2 miles of the project area.

APPENDIX C
TOURISM REPORT
MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Bureau Chief, Industry Services and Outreach
MOTBD, Montana -Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Marias Crossing Fishing Access Site Permit and Development

Project Description: Montana Fish, Wildlife & Parks (FWP) proposes to accept permit for recreation site and develop approximately one acre of land owned in fee title by the Montana Department of Transportation (MDT) along the Marias River for the purpose of providing public access to the Marias River and developing a fishing access site (FAS). Proposed developments include a single-wide gravel boat ramp, designated gravel parking area, gravel access road, boundary fencing, and informational signs. The site would provide an important, safe access point on the Marias River for boaters and floaters.

1. Would this site development project have an impact on the tourism economy?
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy if properly maintained. The opportunity to fish Montana waters and native Montana fish populations is marketed to destination visitors from around the world, as well as in-state travelers. A 2016 report from the Institute for Tourism and Recreation Research states that Fishing/Fly Fishing as a "Top Outdoor Recreation Activity" reported by 2% of visitors to Montana (2016). The report also notes that nationwide participation in outdoor recreation specific to fishing is expected to increase in the coming decades. In addition to fishing, this FAS would offer access for recreational watercraft including canoeing, rafting, and drift boating.

It is important to note that a strategic tourism goal is to disperse recreational visitors throughout out Montana away from heavily visited areas around Yellowstone and Glacier National Parks. This project would offer an FWP-managed FAS site with designated parking and safe access to the Marias River in Liberty County.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to improve quality and quantity of

tourism and recreational opportunities. A fishing access site with a single-wide gravel boat ramp, designated gravel parking area, gravel access road, boundary fencing, and informational signs would provide safe and sustainable access for Montana resident and non-resident visitors. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Jan Stoddard

Date: 2/01/21

APPENDIX D
MONTANA FISH, WILDLIFE AND PARKS
BEST MANAGEMENT PRACTICES

10-02-02

Updated May 1, 2008

I. **ROADS**

A. **Road Planning and location**

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
 - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
 - a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. Road Design

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. Drainage from Road Surface

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use out sloped, in sloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
 - a. Out sloped roads provide means of dispersing water in a low-energy flow from the road surface. Out sloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
 - b. For in sloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.
 - c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features.

Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.

2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.

D. Construction/Reconstruction

1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these "slash filter windrows" so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. Road Maintenance

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.

4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload without difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct

drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.

3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.